

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WELLS FARGO BANK N.A.,

Plaintiff,

v.

RICHARD G. KUHN, *et al.*,

Defendants.

CASE NO. C17-1781-JCC

ORDER REMANDING TO STATE
COURT

This matter comes before the Court on Plaintiff's motion to remand (Dkt. No. 6). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS the motion for the reasons explained herein.

I. BACKGROUND

Plaintiff filed a judicial foreclosure action in Snohomish County Superior Court after Defendant Kuhns allegedly defaulted on a promissory note. (Dkt. No. 1-2 at 5.) Plaintiff seeks declaratory relief to deem as ineffective two deeds in lieu of foreclosure in favor of Defendant Northwest Wells Fargo 2010 Corporate Pass-Through Certificates Series 2010 ("Northwest WF"). (*Id.* at 5-9.) On November 28, 2017, Kuhns removed the case to this Court on the basis of diversity jurisdiction. (Dkt. No. 1.) Plaintiff timely moved to remand. (Dkt. No. 6.)

II. DISCUSSION

A party to a civil suit in state court may remove that action to federal court if the district

1 court would have had original jurisdiction at the time of both commencement and removal of the
2 action. 28 U.S.C. § 1441(a). However, a case cannot be removed if removal is based solely on
3 diversity jurisdiction and one of the defendants is a resident of the forum state. 28 U.S.C.
4 § 1441(b)(2).

5 Removal is improper in this case because Kuhns is a Washington resident, and the basis
6 for the Court's jurisdiction is diversity of citizenship. (Dkt. No. 1-2 at 10); 28 U.S.C.
7 § 1441(b)(2). Thus, the case cannot be removed based solely on diversity of citizenship.

8 **III. CONCLUSION**

9 For the foregoing reasons, Plaintiff's motion to remand (Dkt. No. 6) is GRANTED.
10 The Clerk is DIRECTED to remand this case to Snohomish County Superior Court.

11 DATED this 16th day of January 2018.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE